

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/003510 ✓

International filing date (day/month/year)
06.02.2004 ✓

Priority date (day/month/year)
07.02.2003 ✓

International Patent Classification (IPC) or both national classification and IPC
B60C25/132

Applicant
DURR PRODUCTION SYSTEMS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. ✓

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2004/003510

10/593921

IAP6 Rec'd PCT/PTO 22 SEP 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 6 199 270 B1 (PATURE FR EACUTE D EACUTE RIC ET AL) 13 March
2001 (2001-03-13)

D2 : US 2 900 015 A (HARRISON HOMER S) 18 August 1959 (1959-08-18)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

- 2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document):
An apparatus for assembling tires and wheels with respect to one another comprising:
an assembly line, and
an endless conveyor member for moving wheels along said assembly line and supported for circling movement along said length by the assembly line.

- 2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that :
the assembly line is made of a plurality of modules removably connected with one another (as far as this expression is understandable and therefore limiting the scope of the claim - see item VIII)

- 2.1.3 The problem to be solved by the present invention may therefore be regarded as to design a line made of standard construction elements.

- 2.1.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Feature "assembly line is made of a plurality of modules removably connected with one another" is described in document D2. Indeed D2 - Fig.1 shows an assembly line made of an assembly of similar rollers, frame members and brackets which are considered as being several modules. These modules are providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to include this feature (an assembly of modules forming the assembly line) in the line described in document D1 in order to solve the problem posed.

- 2.1.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 INDEPENDENT CLAIM 8

- 3.1 A similar reasoning than in § 2 will lead to the same conclusion, i.e. the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 8 thus cannot be considered inventive (Article 33(3) PCT).

4 INDEPENDENT CLAIM 14

- 4.1 A similar reasoning than in § 2 and 3 will lead to the same conclusion, i.e. the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 8 thus cannot be considered inventive (Article 33(3) PCT).

5 DEPENDENT CLAIMS 2 - 5, 9 - 12

Dependent claims 2 - 5, 9 - 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Re Item VIII.

6 ... The application does not meet the requirements of Article 6 PCT, because claims 1, 8, 14 are not clear.

Claims 1, 8, 14 are indicating that a plurality of modules interconnected with one another are forming an assembly line. It seems that it contradicts the drawings and the description because as far as the plurality of modules interconnected with one another does not comprise any assembling workstation, such an interconnection cannot constitute any assembly line.

It is further clear from the description on pages 4 - 6 that the features "assembly workstation" and inflation workstation are essential to the definition of the invention.

Since independent claims 1, 8, 14 do not contain these feature they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

At last a plurality of modules could not be considered as a limiting feature for an assembly line, because "module" is very general and could be interpreted in several different ways, one being standard construction elements.

Because every assembly line can be in the scope of such a definition, the limitation given in claims 1, 8, 14 have no well-recognised meaning and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.